

Exhibit 12

*State of California ex. rel. Ven-A-Care of the Florida Keys, Inc. v.
Abbott Laboratories, Inc., et al.*

Exhibit to the Declaration of Steven U. Ross in Support of
Plaintiffs' Opposition to Sandoz, Inc.'s Motion for Summary Judgment

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March 19, 2008

Sacramento, CA

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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IN RE: PHARMACEUTICAL) MDL NO. 1456
INDUSTRY AVERAGE WHOLESALE) CIVIL ACTION:
PRICE LITIGATION) 01-CV-12257-PBS
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THIS DOCUMENT RELATES TO:) Judge Patti B. Saris
U.S. ex rel. Ven-A-Care of)
the Florida Keys, Inc. v.) Magistrate Judge
Abbott Laboratories, Inc.,) Marianne B. Bowler
et al.)
Case No. 06-CV-11337-PBS)
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WEDNESDAY, MARCH 19, 2008

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VIDEOTAPED DEPOSITION OF

JAMES KEVIN GOROSPE

Reported By: JOANIE MURAKAMI, CSR No. 5199

Registered Merit Reporter

Certified Realtime Reporter

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1 you the value of the supplemental rebate.

2 Q. Okay. Understood. Okay. Now, in the
3 context of the supplemental rebates that are
4 based on AMP, I just wanted to ask you a couple
5 follow-up questions about that.

6 Based on your knowledge and experience,
7 the AMPs that are reported by manufacturers, are
8 they always reliable?

9 MR. COLE: Object to the form.

10 THE WITNESS: What do you mean by
11 "reliable"?

12 BY MR. GOBENA:

13 Q. Do they sometimes change?

14 A. Yes.

15 Q. And in fact, isn't it true that
16 sometimes manufacturers will restate AMPs that
17 they had previously reported; isn't that true?

18 A. Yes.

19 Q. And sometimes they'll dispute -- there
20 will be a dispute between Medi-Cal and a
21 manufacturer about the reported AMP; isn't that
22 correct?

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1 A. No.

2 Q. Okay. What have I gotten wrong about
3 that, my characterization after dispute?

4 A. Disputes generally are over the
5 rebates.

6 Q. I see.

7 A. And not the reported AMP.

8 Q. Okay. But it's not unusual for there
9 to be restatements of previously reported AMPs;
10 isn't that correct?

11 A. That's correct.

12 Q. Okay. So -- and based on your
13 knowledge and experience, how often do
14 manufacturers tend to restate their AMPs?

15 A. I don't know a frequency specifically.

16 Q. Does it depend on the manufacturer?

17 A. Some manufacturers have -- seem to have
18 more changes than others but I couldn't
19 characterize any one particular manufacturer and
20 percentage of changes.

21 Q. So you can't give us any specific
22 knowledge on any restatements of AMP done by

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1 Abbott for any of its product, correct?

2 A. No.

3 Q. But given the fact that AMPs can be
4 restated -- strike that.

5 Given the fact that AMPs can be
6 restated from time to time, isn't it true that an
7 AMP that is provided by a manufacturer at any
8 given time may not be necessarily reliable?

9 MR. COLE: Object to the form.

10 THE WITNESS: That's correct.

11 MR. GOBENA: All right. Those are all
12 the questions I have for right now, and I'll pass
13 the witness back to Jeremy if he has some
14 additional questions on the US case.

15

16 FURTHER EXAMINATION

17 BY MR. COLE:

18 Q. Dr. Gorospe, very quickly, Mr. Gobena
19 asked you whether it was ever -- I believe he
20 asked you whether it was ever Medi-Cal's policy
21 to overpay for drug ingredient costs.

22 Do you remember that question?